

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**THEODORE “TAD” TAYLOR,**  
**Plaintiff,**

**v.**

**ABBOTT PHARMACEUTICALS, INC.**  
**Defendant.**

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**CIVIL ACTION  
NO. 22-40047-TSH**

**ORDER ON MOTION TO DISMISS**

**July 11, 2023**

**HILLMAN, S.D.J.**

Plaintiff, who is proceeding *pro se*, was convicted of distributing significant quantities of prescription opioids at his sole-practitioner pain management medical practice in Texas, and is now incarcerated in a Texas federal prison. The Fifth Circuit affirmed his criminal conviction in 2020, *United States v. Lee*, 966 F.3d 310 (5th Cir. 2020), and Plaintiff has since filed actions in federal courts in Connecticut (one), Florida (two), New York (one), Massachusetts (three in addition to the present action), Ohio (one), Pennsylvania (one), and Texas (three) that are essentially identical to this one.<sup>1</sup>

Here, AbbVie, appearing specially,<sup>2</sup> moves to dismiss all of Plaintiff’s claims as frivolous, fail to state a claim, are collateral attacks on his criminal conviction, and lack of

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<sup>1</sup> Only the identity of the defendant and the particular prescription opioid at issue differentiate the cases.

<sup>2</sup> AbbVie is appearing specially because the Complaint was served by mail on an AbbVie facility in Worcester, Massachusetts; the Complaint names Abbott Pharmaceuticals, Inc. as the sole defendant and alleges that it manufactured Vicodin®; the named defendant Abbott Pharmaceuticals, Inc. does not exist; Abbott Laboratories manufactured Vicodin® before January 1, 2013; and on January 1, 2013, Abbott Laboratories spun off its prescription pharmaceutical business to AbbVie, which assumed certain liabilities relating to Abbott Laboratories’ prescription pharmaceutical business, including liabilities relating to Abbott Laboratories’ manufacture and sale of Vicodin®.

subject matter jurisdiction. For the reasons stated in Defendants' Memorandum in support of its motion to dismiss and as no opposition to the motion was timely filed,<sup>3</sup> the motion to dismiss is granted.

**Conclusion**

It is hereby ordered that Defendant's Motion to Dismiss (Docket No. 15) is **granted**.

*/s/ Timothy S. Hillman*  
**TIMOTHY S. HILLMAN**  
**SENIOR DISTRICT JUDGE**

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<sup>3</sup> Plaintiff filed a response on June 26, 2023 and again on July 5, 2023.